

BAA Process

DARPA Contracts Management Office
Christopher L. Glista – Contracting Officer

XS-1 Proposers' Day
6 November 2013
Arlington, VA





Described in Federal Acquisition Regulation Part 35

- For the acquisition of basic and applied research
- Shall only be used when “meaningful proposals with varying technical/scientific approaches can be reasonably anticipated.”
- Not a Request for Proposal (RFP)
- FAR Part 15 does not apply



Evaluation/Award

- Government reserves the right to select for award all, some, or none of the proposals received and to award without discussions
- Multiple awards expected for Phase I in two areas –
 - 1) System Design
 - 2) Critical Risk Reduction
- No common Statement of Work



Evaluation/Award

- Per FAR 35.016(d) – “Proposals received as a result of the BAA shall be evaluated in accordance with evaluation criteria specified therein through a peer or scientific review process. Written evaluation reports on individual proposals will be necessary but proposals need not be evaluated against each other since they are not submitted in accordance with a common work statement.”
- Proposals are not ranked. No color, adjectival, or numerical “scoring” systems are employed during the Scientific Review Process



Evaluation Criteria

In Descending Order of Importance:

- Overall Scientific and Technical Merit
- Potential Contribution and Relevance to the DARPA Mission, including Plans to Accomplish Technology Transition
- Proposer's Capabilities and/or Related Expertise
- Cost Realism
- Schedule Realism

Complies with guidance at FAR 35.016(e):

"The primary basis for selecting proposals for acceptance shall be technical, importance to agency programs, and fund availability. Cost realism and reasonableness shall also be considered to the extent appropriate."



Communications

- After Today –

ALL questions to DARPA-BAA-14-01@darpa.mil

- After Receipt of Proposals – Government (PM/PCO) may communicate with proposers to understand the meaning of some aspect of the proposal that is not clear or to obtain confirmation or substantiation of a proposed approach, solution, or cost estimate
- Only a duly authorized Contracting Officer may obligate the Government
- Informal feedback will be provided upon request once selections are made. No formal “debriefing” (see FAR 15.506) will be provided.



Eligibility Information

- Only U.S. entities capable of receiving, processing, and storing export-controlled information are eligible for award
- Foreign participants may participate to the extent authorized by applicable Export Laws (ITAR, EAR)
- No portion of the BAA will be reserved for small business, no evaluation preference
- Government agencies/labs, FFRDC's, are subject to certain limitations



Eligibility Information (cont.)

- Government agencies/labs, FFRDCs cannot propose to this BAA in any capacity, **UNLESS** they can clearly demonstrate the work is not otherwise available from the private sector AND they also provide written documentation citing the specific statutory authority (as well as, where relevant, contractual authority) establishing their eligibility to propose to government solicitations.



Award Instrument

- FAR-based procurement contract or Other Transaction Agreement
- **No grants or cooperative agreements**
- Proposers without a DCAA-approved cost accounting system should submit an SF 1408 with proposal to receive a cost reimbursement contract
- Section 845 Other Transaction – must meet eligibility criteria
 - 1/3 cost share or non-traditional defense contractor participating to “a significant extent.”
 - Section 845 “Other Transaction Guide” available online



- Subcontracting for Research & Development
 - "Since the selection of R&D contractors is substantially based on the best scientific and technological sources, it is important that the contractor not subcontract technical or scientific work without the contracting officer's advance knowledge."
 - All subcontractor supporting cost documentation to be provided at the same level as that of the prime



Additional Award Terms and Conditions

- Key Personnel Clause

Must demonstrate that the qualifications of replacements are equal to or greater than those of personnel being replaced.

- Public Release and Dissemination of Information:

Pre-publication approval will be required for information developed under the contract .



Proposal Requirements

- Following the proposal instructions assists the evaluation team to clearly understand what is being proposed and supports a timely negotiation!!!
- Non-proprietary SOW required for incorporation into the award document. Notional Phases II/III SOW should be provided as well.
- Detailed Cost proposal (Phase 1 only) –
 - (1) Subcontractor proposals (may be submitted to Government directly)
 - (2) Support for proposed ODC/Material amounts
- If seeking OT – submit both FAR-based and OT-based versions



Be aware:

- Organizational Conflict of Interest & Procurement Integrity (SETA/Performer)
- System for Award Management (SAM), Online Representations & Certifications, Wide Area Workflow (WAWF)
- Small Business Subcontracting Plan (required for FAR contracts > \$650K awarded to large businesses)
- Certified Cost and Pricing Data Required (FAR contracts > \$700K)



Intellectual Property

- Data Rights Assertions - Assert rights to all technical data & computer software to be generated, developed, and/or delivered to which the Government will receive less than Unlimited Rights
 - Assertions that apply to Prime and Subs
 - Use defined "Basis of Assertion" and "Rights Category"
 - Justify "Basis of Assertion"
 - This information is assessed during evaluations and will be incorporated into any contract award
 - Avoid broad/vague assertions



Intellectual Property (cont.)

- Include documentation proving your ownership of or possession of appropriate licensing rights to all patented inventions (or inventions for which a patent application has been filed) that will be utilized under your proposal for the DARPA program.
- i-Edison – All patent reports and notifications must be submitted electronically